

United States District Court

for

WESTERN DISTRICT OF TEXAS**AMEDNED**

Filed

3-5-14
Clerk, U. S. District Court
Western District of Texas

By

Deputy

Petition for Warrant or Summons for Offender Under SupervisionName of Offender: Francisco RodriguezCase Number: A-10-CR-236(1)-JRNName of Sentencing Judicial Officer: Honorable James R. Nowlin, Sr. U.S. District JudgeDate of Original Sentence: November 10, 2010Original Offense: Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841

Original Sentence: Sentenced to forty-one (41) months custody in the U.S. Bureau of Prisons to be followed by a three (3) year term of supervised release. The following special conditions were imposed: financial disclosure, participate in drug treatment, alcohol abstinence, participate in the workforce development program, and pay a \$100 special assessment.

Type of Supervision: Supervised ReleaseDate Supervision Commenced: September 21, 2012Assistant U. S. Attorney: Sharon S. PierceDefense Attorney: Stephen M. Orr**PREVIOUS COURT ACTION**

On February 7, 2013, a Petition for Warrant or Summons for Offender Under Supervision was submitted to the Court to advise of the defendant's arrest for Possession of Marijuana, and his failure to submit urine specimens as directed. As a result of these violations, on February 11, 2013, a warrant was issued for the defendant's arrest.

On May 28, 2013, a Petition for Warrant or Summons for Offender Under Supervision was submitted to the Court to advise that the defendant had violated his electronic monitoring condition by removing his ankle monitor and leaving his residence without authorization. On June 3, 2013, a warrant was issued for the defendant's arrest.

PETITIONING THE COURT☒ To issue a warrant☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Special Condition: " The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by his Probation Officer for a term of six (6) months following his release from incarceration. Defendant shall pay all or part of the costs of the location monitoring based on his ability to pay as directed by his Probation Officer."

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Nature of Non-compliance: On May 25, 2013, at 20:28 hours, the probation office received violation alerts that the defendant's ankle monitor had been removed at the residence of record located at 13004 Wedding Drive in Manor, Texas. Attempts to contact the defendant via his land line and cell phone were unsuccessful. At 20:45 contact was made with the defendant's brother, Flavio Rodriguez, who is the owner of the residence. Flavio Rodriguez advised that the defendant was not at home. He further advised that the defendant had removed his ankle transmitter, leaving the transmitter at the residence. He was not aware of why the defendant left the residence, nor of his whereabouts. Further investigation revealed that the Manor Police Department responded to the defendant's residence regarding a call of a loose pitbull dog. The police officer was contacted and stated that he recovered the dog and returned it to the residence at approximately 20:00 hours. While there, he knocked on the door several times, but no one answered. It should be noted that at the time the officer was knocking at the door, the defendant's location monitoring equipment indicated he was in the residence, but for reasons unknown, Rodriguez did not answer the door. Presently, continued attempts to contact the defendant on his cell phone, and through family members, have been unsuccessful. The probation office is not aware of any reports that the defendant is in the hospital or in custody. Presently, his whereabouts are unknown, and it appears he has absconded supervision.

Violation Standard Condition 2: "The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month."

Nature of Non-compliance: The defendant failed to report to the U.S. Probation Office and failed to contact the U.S. Probation Officer during the following months: June 2013, July 2013, August 2013, September 2013, October 2013, November 2013, December 2013, January 2014, and February 2014.

Violation Mandatory Condition No. 1: " The defendant shall not commit another federal, state or local crime."

Nature of Non-compliance: According to the Affidavit of Arrest, on February 24, 2014, a Travis County Sheriff's Deputy conducted a traffic stop of a gray 2000 Ford Focus after observing the vehicle to be driving without lights. The deputy approached the vehicle and made contact with the driver, who identified himself as Gabriel Soto (DOB 03/04/79), and a passenger, who was not named in the Affidavit for Warrant of Arrest and Detention. The deputy noted a strong odor of marijuana emanating from the vehicle. When questioned, the driver admitted that there was some (marijuana) in the car, but indicated there wasn't much there. The deputy instructed the driver and front right passenger to exit the vehicle. Both complied and both claimed ownership of the marijuana. Soto and the passenger also advised the deputy that the marijuana was located underneath the passenger seat. Upon further questioning, the driver could not provide his social security number, driver's license number, or recall his home address. Upon checking the name on the Texas Department of Public Safety (DPS) database, it revealed a warning that the above listed person's (Gabriel Soto, DOB 03/04/79) identity had been stolen. Further record checks confirmed the driver's true identity to be Francisco Antonio Rodriguez (DOB 2/28/90). The defendant was subsequently arrested and charged with Failure to Identify.

On February 24, 2014, the defendant was convicted of Fail to Identify Fugitive Intent Give False Information, Cause No. C-1-CR-14-202781, in County Court at Law No. 3, Travis County, Texas. He was sentenced to 20 days Travis County Jail. On February 27, 2014, the defendant was released to federal custody.

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U. S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

☐ The conditions of supervision should be modified as follows:

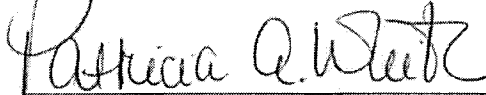
Approved by,


Dwayne Jones

Supervising U.S. Probation Officer

Date: March 3, 2014

Respectfully submitted,



Patricia A. Whitson

U.S. Probation Officer

Date: March 3, 2014

Approved by,

Previously signed on June 3, 2013

Gregg Sofer

Assistant U.S. Attorney

☐ recommend ☐ does not recommend Justification: _____

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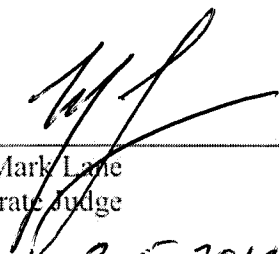
THE COURT ORDERS:

☐ No Action

☐ The Issuance of a Warrant

☐ The Issuance of a Summons

☒ Other: *The warrant issued on June 3, 2013, remains in effect.*


Honorable Mark Lane
U.S. Magistrate Judge

Date

3-5-2014